

Hi Jan, It's Adam Kelly

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To: conscomchair@raymondnh.gov <conscomchair@raymondnh.gov>

So Jan,

Here are the RSA's protecting baiting wildlife and legally making the town not liable for me doing this activity.

RSA 207:3d

I. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the opening and closing of the season for the practice of baiting for coyote, furbearing animals, game birds, or game animals with the exception of gray squirrel.

II. No person shall engage in the act of baiting on the property of another unless he has secured from the owner or occupant of the property upon which the bait is to be deposited a permit in writing, signed by the owner or occupant, and until he has filed a copy of the permit with the conservation officer in whose district the person plans to bait, together with a topographic map or copy thereof showing the specific location of the bait site.

III. Notwithstanding the provisions of this section, persons holding a valid trapping license who have complied with the landowner permit requirements of RSA 210:11 shall be allowed to place bait for the trapping of fur-bearing animals during the open season.

IV. Notwithstanding the provisions of this section, the executive director may grant a special permit for scientific purposes, animal damage control, or for any other purpose at the discretion of the executive director.

V. Notwithstanding the provisions of this section, no person shall place bait less than 300 feet from a dwelling or public roadway, pathway or trail.

Source. 1991, 224:2. 1995, 59:1. 2008, 65:2, eff. July 20, 2008.

This next law is pulled directly from the Fish and Game website and it removes liability for the landowners.

If a hunter gets hurt on my land, am I liable?

No. Under RSA 212:34, a landowner owes "no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping" or other recreational uses.

If you watched the town meeting the Selectmen had 2 main reservations. 1) **That this activity would somehow create nuisance bears.** The reality is of course bears are already present in town and in this very portion of forest. Fish and Game in fact wishes to decrease the bear population in this area to minimize human bear conflict. A bait pile in the portion of the woods I have chosen is far from homes, trails, and any other human activity by over a mile. It is highly unlikely that my bait pile would then cause bears to turn to trash cans or dumpsters. Even more so because the bait I intend to use is apples and corn. Which is not reminiscent of dumpsters. 2) **This activity would set a precedent for anyone to bait on this land.** Well that precedent has already been set. State managed lands are routinely baited by hunters and trappers. Private land is also used with permission. The precedent has been set for a long time. But the process in no way changes. Permission and a permit are required. And this activity is heavily regulated. Within 12 hours of taking a bear, a conservation officer will be on scene inspecting the kill site, ensuring all laws were followed. In my experiences, before the season even opens up conservation officers will be at the bait site again ensuring laws are followed. The

landowner at all times reserves the right to take away the privilege of hunting. It is misguided to think this is a new practice, or this is in any way "breaking the mold" somehow, this happens all over the state, legally, year after year.

I appreciate all of your time in this matter and all of your consideration. I hope the town manager sent all the info I had included such as maps, permit applications, and even just a blurb about who I am. Thank you again. If needed I can be reached at 603 548 8908 for any issues or concerns. Thank you.

Sincerely,
Drill SGT Kelly, Adam